

1 CROWELL & MORING LLP  
2 Joanna M. Fuller (SBN 266406)  
3 JFuller@crowell.com  
4 3 Park Plaza, 20th Floor  
5 Irvine, CA 92614  
6 Telephone: (949) 263-8400  
7 Facsimile: (949) 263-8414

8 *Attorneys for Plaintiff*  
9 PAX Labs Inc.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PAX LABS INC.,

Case No. [ ]

Plaintiff,

v.

STIIIZY IP LLC f/k/a STIIIZY,  
LLC, and  
STIIIZY INC. d/b/a SHRYNE  
GROUP INC.

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Defendants.

.

# COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff PAX Labs Inc. (“PAX Labs” or “Plaintiff”), by and through undersigned counsel, respectfully alleges, states, and prays as follows:

## **NATURE OF THE ACTION**

5       1.     This is an action for patent infringement under the Patent Laws of the  
6     United States, Title 35 United States Code, §§ 271 and 281, *et seq.* against STIIIZY  
7     IP LLC f/k/a STIIIZY, LLC. (herein “STIIIZY LLC”) and STIIIZY Inc. d/b/a  
8     Shryne Group Inc. (herein “STIIIZY INC,” together with STIIIZY LLC,  
9     “Defendants”), for infringing and profiting, in an illegal and unauthorized manner,  
10    and without authorization and/or consent from Plaintiff for U.S. Patent Nos.  
11    11,369,756 (the “’756 Patent”); 11,369,757 (the “’757 Patent”); 11,766,527 (the  
12    “’527 Patent”); 11,759,580 (the “’580 Patent” together with the ’756 Patent, ’757  
13    Patent, and ’527 Patent, collectively the “Patents-in-Suit”) which are attached  
14    hereto as Exhibit A, respectively, and incorporated herein by reference, and  
15    pursuant to 35 U.S.C. § 271, to recover damages, attorneys’ fees and costs.

## PARTIES

17       2. Plaintiff PAX Labs Inc. is a company organized under the laws of the  
18 State of Delaware having its principal place of business at 660 Alabama St.,  
19 Second Floor, San Francisco, CA 94110.

20       3. Upon information and belief, STIIIZY, LLC is a California state  
21 limited liability company with its principal place of business located at 728 East  
22 Commercial Street, Los Angeles, CA 90012. Upon information and belief, in  
23 March 2023, STIIIZY, LLC changed its company name to STIIIZY IP LLC.

24       4. Upon information and belief, Shryne Group Inc. was a California state  
25 company with its principal place of business located at 2001 South Alameda Street,  
26 Los Angeles, CA 90058. Upon information and belief, STIIIZY Inc. was a  
27 subsidiary of Shryne Group Inc. and incorporated in the State of Delaware. Upon  
28 information and belief, in March 2023, Shryne Group Inc. was merged into

1 STIIIZY Inc. with the name of the surviving company being "STIIIZY Inc." Upon  
2 information and belief, the surviving STIIIZY Inc. is a Delaware state company  
3 with a principal place of business located at 2001 South Alameda Street, Los  
4 Angeles, CA 90058. Upon information and belief, STIIIZY Inc. is the parent  
5 company of STIIIZY IP LLC.

6 5. Upon information and belief, Defendants have conducted and  
7 continue to conduct business in this judicial district, such as marketing and sales to  
8 the customers located in this district.

9 **JURISDICTION AND VENUE**

10 6. This is an action for patent infringement arising under the patent laws  
11 of the United States, 35 U.S.C. §§ 1, *et seq.*

12 7. This Court has subject matter jurisdiction over this case pursuant to 28  
13 U.S.C. §§ 1331 and 1338(a).

14 8. This Court has personal jurisdiction over the Defendants by their  
15 systematic and continuous business and acts of patent infringement and/or having  
16 induced acts of patent infringement by others in this district and/or having  
17 contributed to patent infringement by others in this district, the State of California  
18 and elsewhere in the United States. This Court further has personal jurisdiction  
19 over the STIIIZY and Shryne Defendants by these Defendants residing in this  
20 district.

21 9. Defendants are subject to this Court's specific and general jurisdiction  
22 pursuant to their substantial business in this forum, including (i) at least part of  
23 their past infringing activities alleged herein; (ii) regularly doing or soliciting  
24 business; and (iii) driving substantial revenue from goods and services provided to  
25 customers in this district. The STIIIZY and Shryne Defendants are further subject  
26 to this Court's specific and general jurisdiction pursuant to their being incorporated  
27 in this district.

28

1       10.   Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) and/or  
2 28 U.S.C. § 1391(c) through Defendants' acts of infringement in this district.

3      Venue is proper in this district further for the STIIIZY and Shryne Defendants'  
4      regular and established place of business and headquarters in this district.

## **THE PATENTS-IN-SUIT**

## A. The '756 Patent

7        9.      On June 28, 2022, the USPTO duly and legally issued U.S. Patent No.  
8 11,369,756 (the “’756 Patent”), entitled “LEAK - RESISTANT VAPORIZER  
9 DEVICE” after a full and fair examination. The ’756 Patent is attached hereto as  
10 Exhibit A and incorporated herein as if fully rewritten.

11       10. The '756 Patent has 17 claims, including three independent claims 1,  
12 5, and 11, and 14 dependent claims 2-4, 6-10, and 12-17. Plaintiff is asserting  
13 claims 1-3, 5-13, and 15-17 against Defendants, whose products infringe these  
14 claims literally or under the doctrine of equivalents.

## B. *The '757 Patent*

16        11. On June 28, 2022, the USPTO duly and legally issued U.S. Patent No.  
17 11,369,757 (the “’757 Patent”), entitled “LEAK - RESISTANT VAPORIZER  
18 DEVICE” after a full and fair examination. The ’757 Patent is attached hereto as  
19 Exhibit A and incorporated herein as if fully rewritten.

20        12. The '757 Patent has 20 claims, including three independent claims (1,  
21 9, and 15), and 17 dependent claims (2-8, 10-14, and 16-20). Plaintiff is asserting  
22 claims 1-20 against Defendants, each of whose accused products infringe the  
23 referenced claims literally or under the doctrine of equivalents.

### C. *The '527 Patent*

25        13. On September 26, 2023, the USPTO duly and legally issued U.S.  
26 Patent No. 11,766,527 (the “527 Patent”), entitled “LEAK - RESISTANT  
27 VAPORIZER DEVICE” after a full and fair examination. The ’527 Patent is  
28 attached hereto as Exhibit A and incorporated herein as if fully rewritten.

1       14. The '527 Patent has 30 claims, including six independent claims (1, 5,  
2 11, 18, 23, and 26), and 24 dependent claims (2-4, 6-10, 12-17, 19-22, 24-25, and  
3 27-30). Plaintiff is asserting claims 1-30 against Defendants, each of whose  
4 accused products infringe the referenced claims literally or under the doctrine of  
5 equivalents.

6       **D. The '580 Patent**

7       15. On September 19, 2023, the USPTO duly and legally issued U.S.  
8 Patent No. 11,759,580 (the "'580 Patent"), entitled "LEAK - RESISTANT  
9 VAPORIZER DEVICE" after a full and fair examination. The '580 Patent is  
10 attached hereto as Exhibit A and incorporated herein as if fully rewritten.

11       16. The '580 Patent has 20 claims, including six independent claims (1, 6,  
12 8, 11, 16, and 18), and 14 dependent claims (2-5, 7, 9-10, 12-15, 17, and 19-20).  
13 Plaintiff is asserting claims 1-20 against Defendants, each of whose accused  
14 products infringe the referenced claims literally or under the doctrine of  
15 equivalents.

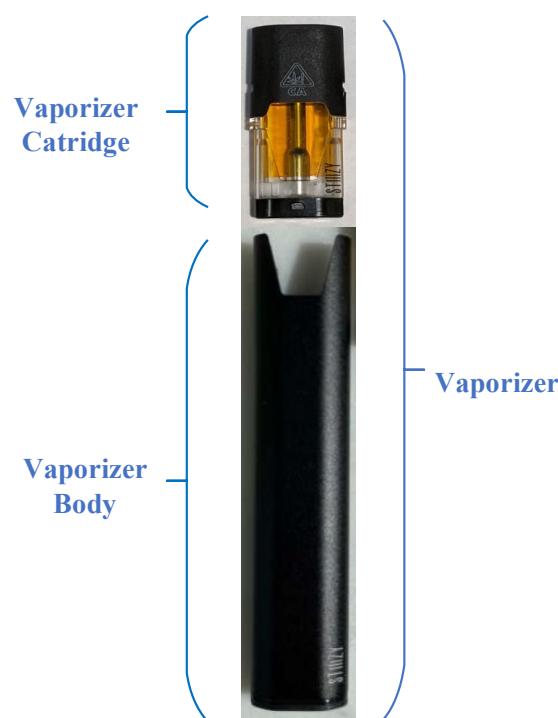
16       17. Plaintiff is the sole and exclusive owner of all right, title and interest  
17 in the '756, '757, '527, and '580 Patents and holds the exclusive right to take all  
18 actions necessary to enforce its rights to the Patents-in-Suit, including the filing of  
19 this patent infringement action, recovering all damages for past, present, and future  
20 infringement of the Patents-in-Suit and seeking injunctive relief as appropriate  
21 under the law.

22       **DEFENDANTS' PRODUCTS**

23       22. During the enforceability period of the Patents-in-Suit, Defendants  
24 have offered and continue to offer for sale vaporizing devices capable of  
25 vaporizing oils, including vaporizing cartridges and downstream products such as  
26 vaporizers that contain a vaporizing cartridge. A vaporizer (also often referred to as  
27 a "vaping product," "vaping device," or "vape pen"), as defined for this Complaint,  
28

1 is a convenient and portable device configured for medical and/or adult use of  
2 vaporizable materials including plant-derived oil extracts with high viscosity.

3       23. As illustrated in Figure 1, a vaporizer generally includes two  
4 components: (i) a vaporizer cartridge (also referred to as a “vaporizing cartridge,”  
5 “vaping cartridge,” “pod,” or “cartridge”) that can be filled with vaporizable oils  
6 and (ii) a vaporizer body (also referred to as a “battery,” “vaporizer battery,” or  
7 “battery device”) that can control the atomization of the vaporizable oils in the  
8 vaporizer cartridge. As illustrated in Figure 2, the vaporizer cartridge may include  
9 a mouthpiece, a reservoir, and a heater chamber (also referred to as a “vaporization  
10 chamber”) including an atomizer. As illustrated in Figure 3, the vaporizer body  
11 may include a cartridge receiver receiving the vaporizer cartridge and a sensor (not  
12 shown) used to detect a draw on the mouthpiece.



25       Figure 1: Illustration of vaporizer, vaporizer cartridge, and vaporizer body  
26  
27  
28

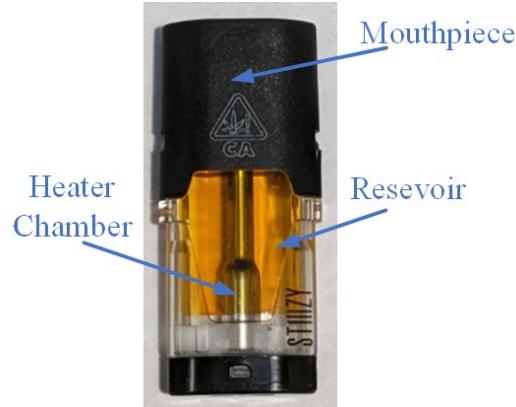


Figure 2: Illustration of mouthpiece, reservoir, and heater chamber



Figure 3: Illustration of cartridge receiver

24. Upon information and belief, Defendants' Accused Products include at least STIIIZY 1 Gram Vaporizer Cartridge, STIIIZY 0.5 Gram Vaporizer Cartridge, STIIIZY (Original) Vaporizer with STIIIZY 0.5 Gram Vaporizer Cartridge, STIIIZY (Original) Vaporizer with STIIIZY 1 Gram Vaporizer Cartridge, STIIIZY BIIIG Vaporizer with 0.5 Gram Vaporizer Cartridge, STIIIZY BIIIG Vaporizer with 1 Gram Vaporizer Cartridge, STIIIZY LIIIL Vaporizer, and components thereof.

1 25. The Accused Products are sold in this district by or on behalf of  
2 Defendants. A non-limiting set of claim charts comparing exemplars of Accused  
3 Products to claims 1-3, 5-13, and 15-17 of the '756 Patent; claims 1-20 of the '757  
4 Patent; claims 1-30 of the '527 Patent; and claims 1-20 of the '580 Patent is  
5 attached hereto as Exhibit B, which also includes snapshots of STIIIZY LLC's  
6 website, [www.stiiizy.com](http://www.stiiizy.com), listing and offering to sell STIIIZY Accused Products,  
7 and is incorporated herein as if fully rewritten. If any additional infringing products  
8 are identified by Plaintiff during this case, Plaintiff will amend the listing of  
9 Accused Products accordingly. This case and any remedy should extend to all of  
10 Defendants' infringing products.

## COUNT I: INFRINGEMENT OF THE '756 PATENT

12        26. Paragraphs 1 through 25 are incorporated by reference as if fully set  
13 forth herein.

14       27. Plaintiff has not licensed or otherwise authorized Defendants to make,  
15 test, use, offer for sale, sell, or import any products that embody the inventions of  
16 the '756 Patent.

17       28. Defendants have had knowledge of infringement of the '756 Patent at  
18 least as of their receipt of a parallel ITC Complaint dated January 29, 2024  
19 involving the same asserted patents.

29. As shown in Exhibit B, Defendants have infringed and continue to  
knowingly and intentionally directly infringe the '756 Patent, including at least  
claims 1-3, 5-13, and 15-17, literally or under the doctrine of equivalents, without  
authority and in violation of 35 U.S.C. § 271(a), by making, testing, using,  
offering for sale, selling and having sold, and/or importing or having imported into  
the United States, including within this judicial district, products that satisfy each  
and every limitation of one or more claims of the '756 Patent.

27       30. Defendants have induced and continue to induce infringement of the  
28 '756 Patent by actively and knowingly inducing others, including customers and

1 end-users, to directly infringe, literally or under the doctrine of equivalents, by  
2 making, testing, using, offering for sale, selling or having sold in the United States,  
3 and/or importing or having imported into the United States, including within this  
4 judicial district, products that include infringing technology protected by the '756  
5 Patent, in violation of 35 U.S.C. § 271(b). For example, Defendants have provided  
6 information and instruction on using the Accused Products in an infringing manner  
7 evidenced at least by the instructions and information contained in Defendants'  
8 product guides and instructional materials. *See, e.g.*, Exhibit B at 233 and 237  
9 (STIIIZY's user manual recites "[i]nsert STIIIZY pod (Sold Separately) into the  
10 battery device prior to use"). Defendants further induced infringement by others,  
11 including customers and end users, with the intent to cause infringing acts by  
12 others or, in the alternative, with the belief that there was a high probability that  
13 others, including customers and end users, infringe the '756 Patent, but remaining  
14 willfully blind to the infringement.

15       31. Defendants have contributed and continue to contribute to the  
16 infringement of the '756 Patent by others, including customers and end-users, by  
17 offering for sale, selling or having sold in the United States, and/or importing or  
18 having imported into the United States, including within this judicial district,  
19 products that include infringing technology protected by the '756 Patent, including  
20 the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
21 Vaporizer Battery, which are especially made for infringing use, with the  
22 knowledge that such use is infringing, and with the knowledge that these products  
23 are part to such infringing uses and not a staple article or commodity of commerce  
24 suitable for substantial non-infringing use, in violation of 35 U.S.C. § 271(c). For  
25 example, the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
26 Vaporizer Battery are specially made or adapted to practice the invention claimed  
27 in at least claims 5-7 of the '756 Patent. The accused infringing components in the  
28 Accused Products have no substantial use other than practicing the invention

1 claimed in at least claims 5-7 of the '756 Patent. The accused infringing  
2 components in the Accused Products constitute a material part of the claimed  
3 invention recited in at least claims 5-7 of the '756 Patent and is not a staple article  
4 or commodity of commerce suitable for substantial non-infringing use.

5       32. As a result of Defendants' infringement of the '756 Patent, Plaintiff  
6 has suffered monetary damages and is entitled to a monetary judgement in an  
7 amount adequate to compensate for Defendants' past infringement, together with  
8 interests and costs.

9       33. Plaintiff's Exhibit B is for the purpose of meeting the notice  
10 requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and the  
11 Plaintiff is not estopped by any infringement contention or claim construction  
12 proposed by the claim charts that it provides with this Complaint.

13                   **COUNT II: INFRINGEMENT OF THE '757 PATENT**

14       34. Paragraphs 1 through 33 are incorporated by reference as if fully set  
15 forth herein.

16       35. Plaintiff has not licensed or otherwise authorized Defendants to make,  
17 test, use, offer for sale, sell, or import any products that embody the inventions of  
18 the '757 Patent.

19       36. Defendants have had knowledge of infringement of the '757 Patent at  
20 least as of their receipt of a parallel ITC Complaint dated January 29, 2024  
21 involving the same asserted patents.

22       37. As shown in Exhibit B, Defendants have infringed and continue to  
23 knowingly and intentionally directly infringe the '757 Patent, including claims 1-  
24 20, literally or under the doctrine of equivalents, without authority and in violation  
25 of 35 U.S.C. § 271, by making, testing, using, offering for sale, selling and having  
26 sold, and/or importing and having imported into the United States, including within  
27 this judicial district, products that satisfy each and every limitation of one or more  
28 claims of the '757 Patent.

1       38. Defendants have induced and continue to induce infringement of the  
2 '757 Patent by actively and knowingly inducing others, including customers and  
3 end-users, to directly infringe, literally or under the doctrine of equivalents, by  
4 making, testing, using, offering for sale, selling or having sold in the United States,  
5 and/or importing or having imported into the United States, including within this  
6 judicial district, products that include infringing technology protected by the '757  
7 Patent, in violation of 35 U.S.C. § 271(b). For example, Defendants have provided  
8 information and instruction on using the Accused Products in an infringing manner  
9 evidenced at least by the instructions and information contained in Defendants'  
10 product guides and instructional materials. *See, e.g.*, Exhibit B at 15 and 19  
11 (STIIIZY's user manual recites “[i]nsert STIIIZY pod (Sold Separately) into the  
12 battery device prior to use”). Defendants further induced infringement by others,  
13 including customers and end users, with the intent to cause infringing acts by  
14 others or, in the alternative, with the belief that there was a high probability that  
15 others, including customers and end users, infringe the '757 Patent, but remaining  
16 willfully blind to the infringement.

17       39. Defendants have contributed and continue to contribute to the  
18 infringement of the '757 Patent by others, including customers and end-users, by  
19 offering for sale, selling or having sold in the United States, and/or importing or  
20 having imported into the United States, including within this judicial district,  
21 products that include infringing technology protected by the '757 Patent, including  
22 the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
23 Vaporizer Battery, which are especially made for infringing use, with the  
24 knowledge that such use is infringing, and with the knowledge that these products  
25 are part to such infringing uses and not a staple article or commodity of commerce  
26 suitable for substantial non-infringing use, in violation of 35 U.S.C. § 271(c). For  
27 example, the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
28 Vaporizer Battery are specially made or adapted to practice the invention claimed

1 in at least claims 9-11 and 15-20 of the '757 Patent. The accused infringing  
2 components in the Accused Products have no substantial use other than practicing  
3 the invention claimed in at least claims 9-11 and 15-20 of the '757 Patent. The  
4 accused infringing components in the Accused Products constitute a material part  
5 of the claimed invention recited in at least claims 9-11 and 15-20 of the '757 Patent  
6 and is not a staple article or commodity of commerce suitable for substantial non-  
7 infringing use.

8       40. As a result of Defendants' infringement of the '757 Patent, Plaintiff  
9 has suffered monetary damages and is entitled to a monetary judgement in an  
10 amount adequate to compensate for Defendants' past infringement, together with  
11 interests and costs.

12       41. Plaintiff's Exhibit B is for the purpose of meeting the notice  
13 requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and the  
14 Plaintiff is not estopped by any infringement contention or claim construction  
15 proposed in the claim charts that it provides with this Complaint.

16       **COUNT III: INFRINGEMENT OF THE '527 PATENT**

17       42. Paragraphs 1 through 41 are incorporated by reference as if fully set  
18 forth herein

19       43. Plaintiff has not licensed or otherwise authorized Defendants to make,  
20 test, use, offer for sale, sell, or import any products that embody the inventions of  
21 the '527 Patent.

22       44. Defendants have had knowledge of infringement of the '527 Patent at  
23 least as of their receipt of a parallel ITC Complaint dated January 29, 2024  
24 involving the same asserted patents.

25       45. As shown in Exhibit B, Defendants have infringed and continue to  
26 knowingly and intentionally directly infringe the '527 Patent, including claims 1-  
27 30, literally or under the doctrine of equivalents, without authority and in violation  
28 of 35 U.S.C. § 271(a), by making, testing, using, offering for sale, selling and

1 having sold, and/or importing and having imported into the United States,  
2 including within this judicial district, products that satisfy each and every  
3 limitation of one or more claims of the '527 Patent.

4 46. Defendants have induced and continue to induce infringement of the  
5 '527 Patent by actively and knowingly inducing others, including customers and  
6 end-users, to directly infringe, literally or under the doctrine of equivalents, by  
7 making, testing, using, offering for sale, selling or having sold in the United States,  
8 and/or importing or having imported into the United States, including within this  
9 judicial district, products that include infringing technology protected by the '527  
10 Patent, in violation of 35 U.S.C. § 271(b). For example, Defendants have provided  
11 information and instruction on using the Accused Products in an infringing manner  
12 evidenced at least by the instructions and information contained in Defendants'  
13 product guides and instructional materials. *See, e.g.*, Exhibit B at 15 and 19  
14 (STIIIZY's user manual recites "[i]nsert STIIIZY pod (Sold Separately) into the  
15 battery device prior to use"). Defendants further induced infringement by others,  
16 including customers and end users, with the intent to cause infringing acts by  
17 others or, in the alternative, with the belief that there was a high probability that  
18 others, including customers and end users, infringe the '527 Patent, but remaining  
19 willfully blind to the infringement.

20 47. Defendants have contributed and continue to contribute to the  
21 infringement of the '527 Patent by others, including customers and end-users, by  
22 offering for sale, selling or having sold in the United States, and/or importing or  
23 having imported into the United States, including within this judicial district,  
24 products that include infringing technology protected by the '527 Patent, including  
25 the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
26 Vaporizer Battery, which are especially made for infringing use, with the  
27 knowledge that such use is infringing, and with the knowledge that these products  
28 are part to such infringing uses and not a staple article or commodity of commerce

1 suitable for substantial non-infringing use, in violation of 35 U.S.C. § 271(c). For  
2 example, the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
3 Vaporizer Battery are specially made or adapted to practice the invention claimed  
4 in at least claims 5-7, 11-17, 23-25, and 26-30 of the '527 Patent. The accused  
5 infringing components in the Accused Products have no substantial use other than  
6 practicing the invention claimed in at least claims 5-7, 11-17, 23-25, and 26-30 of  
7 the '527 Patent. The accused infringing components in the Accused Products  
8 constitute a material part of the claimed invention recited in at least claims 5-7, 11-  
9 17, 23-25, and 26-30 of the '527 Patent and is not a staple article or commodity of  
10 commerce suitable for substantial non-infringing use.

11       48. As a result of Defendants' infringement of the '527 Patent, Plaintiff  
12 has suffered monetary damages and is entitled to a monetary judgement in an  
13 amount adequate to compensate for Defendants' past infringement, together with  
14 interests and costs.

15       49. Plaintiff's Exhibit B is for the purpose of meeting the notice  
16 requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and the  
17 Plaintiff is not estopped by any infringement contention or claim construction  
18 proposed by the claim charts that it provides with this Complaint.

19                   **COUNT IV: INFRINGEMENT OF THE '580 PATENT**

20       50. Paragraphs 1 through 49 are incorporated by reference as if fully set  
21 forth herein.

22       51. Plaintiff has not licensed or otherwise authorized Defendants to make,  
23 test, use, offer for sale, sell, or import any products that embody the inventions of  
24 the '580 Patent.

25       52. Defendants have had knowledge of infringement of the '580 Patent at  
26 least as of their receipt of a parallel ITC Complaint dated January 29, 2024  
27 involving the same asserted patents.

28

1       53. As shown in Exhibit B, Defendants have infringed and continue to  
2 knowingly and intentionally directly infringe the '580 Patent, including claims 1-  
3 20, literally or under the doctrine of equivalents, without authority and in violation  
4 of 35 U.S.C. § 271(a), by making, testing, using, offering for sale, selling and  
5 having sold, and/or importing and having imported into the United States,  
6 including within this judicial district, products that satisfy each and every  
7 limitation of one or more claims of the '580 Patent.

8       54. Defendants have induced and continue to induce infringement of the  
9 '580 Patent by actively and knowingly inducing others, including customers and  
10 end-users, to directly infringe, literally or under the doctrine of equivalents, by  
11 making, testing, using, offering for sale, selling or having sold in the United States,  
12 and/or importing or having imported into the United States, including within this  
13 judicial district, products that include infringing technology protected by the '580  
14 Patent, in violation of 35 U.S.C. § 271(b). For example, Defendants have provided  
15 information and instruction on using the Accused Products in an infringing manner  
16 evidenced at least by the instructions and information contained in Defendants'  
17 product guides and instructional materials. *See, e.g.*, Exhibit B at 15 and 19  
18 (STIIIZY's user manual recites "[i]nsert STIIIZY pod (Sold Separately) into the  
19 battery device prior to use"). Defendants further induced infringement by others,  
20 including customers and end users, with the intent to cause infringing acts by  
21 others or, in the alternative, with the belief that there was a high probability that  
22 others, including customers and end users, infringe the '580 Patent, but remaining  
23 willfully blind to the infringement.

24       55. Defendants have contributed and continue to contribute to the  
25 infringement of the '580 Patent by others, including customers and end-users, by  
26 offering for sale, selling or having sold in the United States, and/or importing or  
27 having imported into the United States, including within this judicial district,  
28 products that include infringing technology protected by the '580 Patent, including

1 the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
2 Vaporizer Battery, which are especially made for infringing use, with the  
3 knowledge that such use is infringing, and with the knowledge that these products  
4 are part to such infringing uses and not a staple article or commodity of commerce  
5 suitable for substantial non-infringing use, in violation of 35 U.S.C. § 271(c). For  
6 example, the exemplary STIIIZY (Original) Vaporizer Battery and STIIIZY BIIIG  
7 Vaporizer Battery are specially made or adapted to practice the invention claimed  
8 in at least claims 6, 8-10, 16, and 18-20 of the '580 Patent. The accused infringing  
9 components in the Accused Products have no substantial use other than practicing  
10 the invention claimed in at least claims 6, 8-10, 16, and 18-20 of the '580 Patent.  
11 The accused infringing components in the Accused Products constitute a material  
12 part of the claimed invention recited in at least claims 6, 8-10, 16, and 18-20 of the  
13 '580 Patent and is not a staple article or commodity of commerce suitable for  
14 substantial non-infringing use.

15 56. As a result of Defendants' infringement of the '580 Patent, Plaintiff  
16 has suffered monetary damages and is entitled to a monetary judgement in an  
17 amount adequate to compensate for Defendants' past infringement, together with  
18 interests and costs.

19 57. Plaintiff's Exhibit B is for the purpose of meeting the notice  
20 requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and the  
21 Plaintiff is not estopped by any infringement contention or claim construction  
22 proposed by the claim charts that it provides with this Complaint, where "Accused  
23 Products" are identified by way of example in those charts, and the Patents-in-Suit  
24 are asserted against all products as set forth in the claim charts, where all rights are  
25 reserved to accuse Defendants' other infringing products under the patent(s) that  
26 cover each.

27 **DEMAND FOR JURY TRIAL**

28 58. Plaintiff demands a trial by jury of any and all causes of action.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a. That Defendants be adjudged to have infringed one or more of the claims of the '756 Patent directly (literally and/or under the doctrine of equivalents) and/or indirectly;
- b. That Defendants be adjudged to have infringed one or more of the claims of the '757 Patent directly (literally and/or under the doctrine of equivalents) and/or indirectly;
- c. That Defendants be adjudged to have infringed one or more of the claims of the '527 Patent directly (literally and/or under the doctrine of equivalents) and/or indirectly;
- d. That Defendants be adjudged to have infringed one or more of the claims of the '580 Patent directly (literally and/or under the doctrine of equivalents) and/or indirectly;
- e. An accounting of all infringing sales and damages including, without limitation, those sales and damages not presented at trial;
- f. An award of all damages to which PAX Labs is entitled under 35 U.S.C. §§ 284 and/or 289 for all past and continuing infringement, including without limitation, at least reasonable royalties;
- g. An award of enhanced damages in accordance with 35 U.S.C. § 284 as a result of Defendants' knowing and willful infringement;
- h. A finding that this case is exceptional under 35 U.S.C. § 285 and an award of all of Plaintiff's attorneys' fees incurred in connection with this case;
- i. An assessment of pre-judgment and post-judgment interest and costs against Defendants and an award of such interest and costs in accordance with 35 U.S.C. § 284; and

j. The Plaintiff be granted such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Dated: January 29, 2024

CROWELL & MORING LLP

/s/ Joanna M. Fuller  
Joanna M. Fuller (SBN 266406)  
JFuller@crowell.com  
3 Park Plaza, 20th Floor  
Irvine, CA 92614  
Telephone: (949) 263-8400  
Facsimile: (949) 263-8414

*Attorneys for Plaintiff  
PAX Labs Inc.*